



Licensing Sub-Committee Report

Item No:

1

Title of Report:

Fu Manchu
Arch 635, 15-16 Lendal Terrace, London, SW4 7UX

Applicant:

Ashley Letchford

Application Type:

Premises Licence (Grant)

Application Date:

17th September 2020

Ward:

Larkhall

Premises Type:

Bar

Policy Context:

Lambeth Statement of Licensing Policy 2019- 2024

Report Author:

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Application Summary:

This is an application for a new premises licence authorising the following licensable activities:

Films (indoors), Live & Recorded Music (indoors), Late Night Refreshment (indoors) and Sale of Alcohol for consumption on and off the premises.

Consultation Information:			
Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
<u>Internal</u>			
Health & Safety Section	Y	-	
Noise Service	Y	-	
Social Services	Y	-	
Licensing Service	Y	09/10/2020	Y
Planning	Y	-	
Trading Standards	Y	-	
<u>External</u>			
Fire Authority	Y	23/09/2020	N
Police Licensing Unit	Y	13/10/2020	Y
Health Authority	Y	-	

Policy implications:
<p><u>Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)</u></p> <p>The Licensing Objectives engaged by this application are;</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p><u>Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)</u></p> <p>The premises are located within the cumulative impact zone as identified within the Council's Statement of Licensing Policy (the Policy). This area is subject to a special policy which amongst other things creates a rebuttable presumption that any new application for a premises licence or material variation to existing premises licences (such as an increase in hours, capacity or change of conditions) in the area to which this policy applies, will be refused if representations are received. This may be rebutted by the applicant showing that a particular application will not impact adversely on the licensing objectives.</p> <p><u>Types of Premises and Recommend Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)</u></p> <p>The premises are classified within Lambeth's Licensing Policy (2019 - 2024) as a bar, due to a mix of food and alcohol being made available at the premises.</p>

The premises are located on Lendal Terrace which isn't mentioned within the Policy and is in close proximity to residential properties. Those areas not included in the Policy are generally deemed to be residential in nature unless the applicant can demonstrate otherwise.

Lendal Terrace is just off of Clapham High Street, which is mentioned within the Policy as a District Centre. District Centres traditionally provide convenience goods and services for local customers. They typically range in size from 10,000m² to 50,000m² and contain at least one food supermarket or superstore and non-retail services.

The Policy recommends licensable hours for a premises of this kind in a residential area as 11:00 - 23:00 Monday to Sunday.

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

1. Application:

1.1 This is an application for a premises licence under section 17 of the Licensing Act 2003.

1.2 The application is seeking authorisation for the following licensable activities:

Films (Indoors)

Monday to Thursday 19:00 – 21:00

Friday to Sunday 12:00 – 21:00

Live Music (Indoors)

Monday to Wednesday 19:00 – 21:00

Thursday to Saturday 19:00 – 00:00

Recorded Music (Indoors)

Monday to Wednesday 10:00 – 00:00

Thursday 10:00 – 01:00

Friday to Saturday 08:00 – 03:00

Sunday 08:00 – 00:00

Late Night Refreshment (indoors)

Sunday to Wednesday 23:00 – 00:00

Thursday 23:00 – 01:00

Friday to Saturday 23:00 – 03:00

Sale of Alcohol (consumption on and off the premises)

Monday to Wednesday 10:00 – 00:00

Thursday 10:00 – 01:00

Friday	10:00 – 03:00
Saturday	08:00 – 03:00
Sunday	08:00 – 00:00

- 1.3 Non-Standards Timings for Recorded Music, Late Night Refreshment and Sale of Alcohol:
 From start of permitted hours until 01:00 on Bank Holiday Sundays & Mondays, Thursdays prior to Good Friday and Christmas Eve.
 From start of permitted hours until 06:00 on New Year's Eve
- 1.4 The opening hours for the premises are proposed as follows:
 Monday to Wednesday 10:00 – 00:00
 Thursday 10:00 – 01:00
 Friday 10:00 – 03:00
 Saturday 08:00 – 03:00
 Sunday 08:00 – 02:00
- 1.5 The application form originally sought films between the period 12:00 – 09:00 Friday to Sunday, however the applicant's agent confirmed this to be an error on the form and the application has been amended accordingly to the hours above.
- 1.6 A copy of the application form, schedule of conditions and plan are attached as **Annex A**.

2. Representations:

- 2.1 Three representations were received against this application, from the Metropolitan Police Service, Lambeth Licensing Authority and a member of the public.
- 2.2 One representation was received in support of this application, from the Clapham BID.
- 2.3 The representations are based on all four of the licensing objectives, the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.
- 2.4 Copies of the aforementioned representations were provided to the applicant and are attached at **Annex B**.
- 2.5 The Licensing Authority provided supporting information to their representation; this can be seen labelled as Appendix A within Annex B.
- 2.6 The last date for making representations was originally the 15th October 2020. However, this was extended until the 16th October 2020 due to the newspaper advert and blue notice publicising this date.

3. Current Licence:

3.1 There isn't a current premises licence in place for this address.

4. Background History:

- 4.1 The premises were previously licensed under reference Prem138, a copy of the licence can be seen at **Annex C**.
- 4.2 However, the above licence lapsed on the 5th August 2020 due to the licensee going into liquidation. The Licensing Authority were made aware of this on the 11th September 2020 and a confirmation letter was sent to the licensee and current occupier of the premises. Copies of the letters can be seen at **Annex D**.
- 4.3 Apart from the issues identified within the Licensing Authority's representation, there is no further history of noise complaints, breaches or enforcement action recorded on the licensing file for this premises.
- 4.4 The premises are located on Lendal Terrace, which is off of Clapham High Street. Clapham is generally well serviced by public transport and both Clapham High Street and Clapham North Stations are in close proximity to the premises. The area also has good access to bus routes. Some of these services operate 24/7.
- 4.5 Although the premises do not have their own dedicated parking, there is on street parking located in Lendal Terrace. This parking is restricted between the hours of 8:30 and 17:30 Monday to Friday, to permit holders only or pay and display customers up to a maximum 4 hour stay.

5. Observations:

- 5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:
- 2 – The Licensing Objectives;
 - 3 – Licensable Activities;
 - 8 – Applications for Premises Licences;
 - 9 – Determining Applications;
 - 10 – Conditions Attached to Premises Licences and Club Premises Certificates;
 - 16 – Regulated Entertainment.
- 5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:
- 5. The Licensing Objectives
- Policy 1: Process for applications

Policy 3: Partnership working
Policy 4: Enforcement approach
Policy 8: Hours of sale and locations

Appendix 1: Prevention of Crime and Disorder
Appendix 2: Public Safety
Appendix 3: Prevention of Public Nuisance
Appendix 4: Protection of Children from Harm
Appendix 5: Types of premises and recommended hours
Appendix 6: Types of premises and potential impact
Appendix 8: What to expect from a Licensing Sub-Committee Hearing

6. Conclusion:

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

6.2

The options available to Members of the Licensing Sub Committee are;

1 – Grant the application as it currently stands.

2 – Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.

3 – Exclude from the scope of the licence any of the licensable activities to which the application relates.

4 - To refuse to specify the individual named in the applications as the DPS

5 – Reject the application.

Appendices:

Annex A – Application form, schedule of conditions and plan

Annex B – Representations

Annex C – Lapsed Licence for Prem138

Annex D – Letters confirming Prem138 lapsing

Reference Documents:

Local Government Act 1972 – Access to information documents used in the preparation of this report

- 1 The Licensing Act 2003 (“the Act”)
- 2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)
- 3 Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”)